

Regular Session, 2012

HOUSE BILL NO. 491

BY REPRESENTATIVE DANAHA Y

PUBLIC OFFICIALS: Provides relative to the filing of the oath of office for certain officials

1 AN ACT

2 To amend and reenact R.S. 42:162, relative to oaths of office; to provide relative to manner  
3 in which the oath of certain officials is subscribed to and recorded; to provide for the  
4 duties of certain officials relative thereto; to provide for effectiveness; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:162 is hereby amended and reenacted to read as follows:

8 §162. Administration and recordation of oath or affirmation

9 A. The oath or affirmation of all officers of the state may be administered  
10 by the governor, any judge, justice of the peace, notary public, or clerk of court, ~~and~~  
11 Except as otherwise provided in Subsection B of this Section, the oath or affirmation  
12 shall be subscribed to by the party taking it, and certified in his commission by the  
13 person administering it. ~~This oath or affirmation and~~ shall be deposited in the office  
14 of the secretary of state and recorded by him. The oath or affirmation of all parish  
15 officers shall also be recorded in the clerk of court's office of the parish where the  
16 same may have been administered, to be recorded by the clerk of court in a book  
17 kept for that purpose.

18 B. For members of each house of the legislature who take the oath or  
19 affirmation at the organizational session of the legislature as provided in Article III,  
20 Section 2(D) of the Constitution of Louisiana, the clerical officer of each house of

1        the legislature shall deposit in the office of the secretary of state a certified journal  
2        entry of the proceedings of that house which reflects the taking of the oath of office  
3        as provided in the constitution. The secretary of state shall record each certified  
4        journal entry in the same manner the oaths or affirmations received pursuant to  
5        Subsection A of this Section are recorded. For the members of the legislature who  
6        took the oath of office at the organizational session of the legislature, the certified  
7        journal entry shall fulfill the requirements of this Part to take and subscribe to the  
8        oath or affirmation.

9                C. The oath or affirmation shall be deposited for recordation within one  
10       month after the same shall have been administered. A certified journal entry  
11       submitted pursuant to Subsection B of this Section shall be deposited for recordation  
12       no later than one month following the organizational session of the legislature.

13       Section 2. This Act is declared to be remedial, curative, and procedural and therefore  
14       is to be applied retroactively as well as prospectively.

15       Section 3. This Act shall become effective upon signature by the governor or, if not  
16       signed by the governor, upon expiration of the time for bills to become law without signature  
17       by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18       vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19       effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Danahay

HB No. 491

**Abstract:** Provides for the manner in which the oath of office for legislators who take the oath at the organizational session of the legislature is subscribed to and recorded.

Present law (R.S. 42:161) requires all public officers to take and subscribe to the oath or affirmation required by the present constitution (Art. X, §30) before acting in their respective offices. Present law (R.S. 42:162) provides that the oath may be administered by the governor, any judge, justice of the peace, notary public, or clerk of court and shall be subscribed by the party taking it and certified in his commission by the person administering it. Requires the oath to be deposited in the office of the secretary of state and recorded by him (and for parish officers, also in parish clerk of court's office) within one month after being administered.

Proposed law specifies that for members of each house of the legislature who take the oath or affirmation at the organizational session of the legislature as provided in the present constitution (Art. III, § 2(D)), the clerical officer of each house of the legislature shall deposit in the office of the secretary of state a certified journal entry of the proceedings of that house which reflect the taking of the oath of office as provided in the constitution. Requires the secretary of state to record each certified journal entry in the same manner as other oaths or affirmations received pursuant present law. Specifies that the certified journal entry fulfills all of the requirements of present law to take and subscribe to the oath or affirmation and requires it to be deposited for recordation no later than one month following the organizational session of the legislature.

Provides that the provisions of the Act are remedial, curative, and procedural and are to be applied retroactively as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:162)